

REMARKS

In the Office Action claims 1-4, 11, 14 and 17-19 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,055,434 to Seraj. Further, claims 5, 10, 12 and 20 have been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of U.S. Patent No. 5,552,772 to Janky et al. Moreover, claims 6-9, 15 and 16 have been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of U.S. Patent Application Publication No. 20040092275 to Krasner et al. Finally, claim 13 has been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of Janky et al. and in further view of U.S. Patent No. 6,529,165 to Duffett-Smith et al.

In response to the Office Action, Applicant has amended independent claims 1, 12 and 17 to require a more specific cellular phone geolocation system or method. Specifically, each amended claim requires that the source transmitter for each beacon signal be ascertained from the relevant identifying characteristic. Further, each amended claim requires that the distance between the source transmitter and the cellular phone be determined from the relevant phase information. Support for these amendments is found in the specification at page 4, lines 10-16; at page 5, from line 1 to page 7, at line 2; at page 7, from line 21 to page 8, at line 6; at page 8, lines 6-21; at page 10, lines 7-21; at page 11, lines 9-20; and at page 12, lines 12-30.

Amendments are presented herein to improve the readability of the claims, to more clearly define the structure of the invention, and to point out the features which distinguish this invention over the cited art. Accordingly, claims 1-20 remain pending.

Rejections under 35 USC § 102(b)

In the Office Action claims 1-4, 11, 14 and 17-19 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,055,434 to Seraj.

In response to the Office Action, each of the independent claims has been amended to require a structure or method for receiving or extracting phase information from beacon signals. Further, each amended independent claim requires a structure or method for using phase information to determine the geolocation of the cellular phone. Specifically, in each independent claim, an identifying characteristic is used to ascertain the source transmitter, and phase information is used to determine the distance between the source transmitter and the cellular phone. Neither Seraj nor any of the other cited references, individually or in combination, teach or suggest such structure or cooperation of structure.

For instance, Seraj fails to disclose a structure or method for extracting phase information from a beacon signal. Further, Seraj fails to disclose a structure or method for determining the distance between the source transmitter and the cellular phone. Likewise, Seraj fails to disclose any structure or method for determining the distance between a cellular phone and a beacon or beacons using phase differences.

In light of the above amendments and arguments, Applicant respectfully contends that amended claims 1, 12 and 17 are not anticipated by Seraj. Further, since claims 2-11, 13-16 and 18-20 depend directly or indirectly from amended independent claims 1, 12 and 17, they are also not anticipated by Seraj.

For the reasons set forth above, Applicant believes the basis for rejecting claims under 35 U.S.C. § 102(b) has been overcome, and the rejections should, therefore, be withdrawn.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 5, 10, 12 and 20 have been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of U.S. Patent No. 5,552,772 to Janky et al. Further, claims 6-9, 15 and 16 have been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of U.S. Patent Application Publication No. 20040092275 to Krasner et al. Moreover, claim 13 has been rejected under 35 USC § 103(a) as being unpatentable over Seraj in view of Janky et al. and in further view of U.S. Patent No. 6,529,165 to Duffett-Smith et al.

As stated above, Seraj fails to teach or disclose a cellular phone having a structure for receiving or extracting phase information from beacon signals. Further, Seraj fails to disclose a geolocation system in which a beacon signal's identifying characteristic is used to ascertain the source transmitter, and in which the beacon signal's phase information is used to determine the distance between the source transmitter and the cellular phone to geolocate the cellular phone. These claim requirements are not disclosed or suggested by any combination of the art cited in the rejections under 35 USC § 103(a). Specifically, none of the references Janky et al., Krasner et al. or Duffett-Smith et al., alone or in combination with another reference, provide the disclosure mentioned above, that is missing from the Seraj reference.

In light of the above amendments and arguments, Applicant respectfully contends that amended claims 1, 12 and 17 are nonobvious with respect to any combination of the cited references. Further, since claims 2-11, 13-16 and 18-20 depend directly or indirectly from amended independent claims 1, 12 and 17, they are also nonobvious with respect to any combination of the cited references.

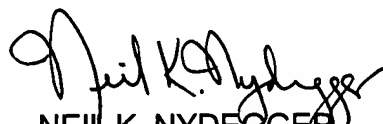
For the reasons set forth above, Applicant believes the basis for rejecting claims under 35 U.S.C. § 103(a) has been overcome, and the rejections should, therefore, be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-20 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 15th day of March, 2006.

Respectfully submitted,

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	J. Doss Halsey	)	
		)	
Serial No:	10/774,911	)	Art Unit
		)	2686
Filed:	February 9, 2004	)	
		)	
For:	CELLULAR PHONE GEOLOCATION SYSTEM	)	
		)	
Examiner:	Kwasi Karikari	)	
		)	
Customer No:	23862	)	
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Attorney Docket:	11196.21	)	

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of March, 2006.

DEBRA D. BURNS  
Legal Document Assistant

Transmitted: Transmittal of Amendment in Response to the Office Action dated October 17, 2005; Petition for Extension of Time and Check for Petition for Extension of Time.

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